

A.D. 9.9, Protective Management

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1. Policy. The Department shall provide a range of measured responses for inmates who have been identified as being at risk of significant threat. Conditions of confinement shall normally be equal to those of the general population but may be restricted as required to meet protective measures or manage the inmate.
2. Authority and Reference.
 - A. Connecticut General Statutes, Section 18-81.
 - B. American Correctional Association, Standards for Adult Correction Institutions, Third Edition, January 1990, Standards 3-4223 and 3-4237 through 3-4261.
 - C. American Correctional Association, Standards for Adult Local Detention Facilities, Third Edition, March 1991, Standards 3-ALDF-2C-11, 3-ALDF-2C-12, 3-ALDF-2E-02, 3-ALDF-3D-01 through 3-ALDF-3D-24 and 3-ALDF-3D-11.
 - D. Administrative Directives 6.6, Reporting of Incidents; 9.2, Inmate Classification; and 9.4, Restrictive Status.
3. Definitions. For the purposes stated herein, the following definitions apply:
 - A. Protective Custody. A designated area which houses and manages an inmate apart from the general population for the purpose of minimizing the threat to the inmate.
 - B. Separation Profile. A record specifying the need and reason for keeping two (2) or more individuals apart from each other.
4. Threat Notification. Protective measures for an inmate shall be considered, when it is determined a threat may exist to the inmate, as a result of:
 - A. Information received during intake at any Department of Correction unit.
 - B. Information received from an external or internal source.
 - C. A situation which occurs would normally result in an increased threat to an inmate.
 - D. The professional judgment or knowledge of a Department employee.
5. Initial Action and Assessment. The Unit Administrator or designee shall ensure immediate and appropriate action to protect an inmate upon notification of a significant threat to the inmate. An assessment of the threat shall be completed to determine its validity and severity and what protective measures, if any, need to be taken. As part of the initial assessment, a supervisor shall conduct an interview of the threatened inmate and any other person who may have knowledge of, or be involved in the situation, and complete the appropriate sections of ~~Form~~ the Request for Protective Custody, CN 9901, in accordance with Section 9 of this Directive. If at any point a supervisor or higher authority, determines there is a clear risk of serious physical harm, the inmate shall be placed on Administrative Detention Status, in accordance with Administrative Directive 9.4, Restrictive Status, pending a hearing for Protective Custody or the implementation of other protective measures.
6. Threat Determination. When a threat to an inmate is determined to be valid, the Unit Administrator or designee shall initiate the following:
 - A. An investigation in accordance with Section 9 of this Directive for possible placement on Protective Custody.
 - B. Establishment or modification of a Separation Profile as appropriate, to include an RT screen and completion of CN 9902, Separation Profile.

7. Counseling. When a threat to an inmate may be resolved informally, the Unit Administrator may authorize counseling for the involved parties to attempt to rectify the conflict. The name of each participant and any pertinent information shall be documented by the staff member conducting the counseling.
8. Alternative Placements. When it is determined that two or more inmates should not be placed together due to safety reasons, a Unit Administrator may authorize alternative placements for one or more of the inmates. The alternative placements may separate the inmates by job classification, or housing unit. An inmate may be recommended for transfer to another facility or out of state as an alternative to a Protective Custody assignment. An alternative placement involving transfer to another facility or state shall be coordinated through, and subject to the approval of, the Director of Offender Classification and Population Management.
9. Placement on Protective Custody. Assignment to Protective Custody shall only be authorized when, after an investigation, the approving authority determines that the inmate is at risk of serious physical harm and no alternative placement is possible. Assignment to Protective Custody shall be at the discretion of the Director of Offender Classification and Population Management or higher authority for any sentenced inmate and the Unit Administrator or higher authority for any unsentenced inmate. This section shall not prevent a Unit Administrator from separating one inmate from another by means other than formal placement on Protective Custody, such as a housing or unit assignment change.
 - A. Authorized Protective Custody. Cheshire Correctional Institution, Bridgeport Correctional Center, Hartford Correctional Center, MacDougall-Walker Correctional Institution, New Haven Correctional Center, Manson Youth Institution, Corrigan-Radgowski Correctional Institution, Northern Correctional Institution and York Correctional Institution shall be the only facilities authorized to operate Protective Custody housing units.
 - B. Request for Placement. A request for Protective Custody placement may be initiated by an effected inmate or a staff member who believes an inmate is in danger of serious physical harm. When an inmate requests Protective Custody, an interview with the inmate shall be conducted in a confidential setting to determine all information known to the inmate concerning the reasons for placement. All information known to the inmate including the identity of any individual who poses the danger must be provided. If the source of the threat is unknown, a detailed description of the circumstances justifying the request shall be provided by the inmate and substantiated by the Shift Commander, or designee, who shall investigate the request for placement.

The staff person conducting the interview shall complete Section I of CN 9901, Request for Protective Custody. Section I shall be signed by the inmate and the staff member. The employee completing Section I shall submit the Protective Custody Form to the Shift Commander.

A referral for Protective Custody may also be initiated by a staff member. The employee shall complete Section II of CN 9901, Request for Protective Custody, sign the document and submit the request to the Shift Commander. The Shift Commander shall review and sign Section II of the Protective Custody Form.

- C. Investigation. Upon sufficient information to warrant further review, the Unit Administrator shall initiate an investigation to determine the nature and seriousness of the claimed threat. The inmate being considered for placement on Protective Custody shall

again be interviewed in a confidential setting to determine the reason and need for placement. The inmate shall receive a copy of CN 9903, Protective Custody Placement Review Notice, at least 24 hours in advance of the interview. The inmate shall fully cooperate in the investigation, sharing all pertinent information, to include the names of all persons deemed a threat and reasons for such belief. If the inmate needs staff assistance to present either oral or written comments, reasonable assistance shall be provided. Section III of CN 9901, Request for Protective Custody Form, shall be used as the format and record of the investigation. Any inmate named or suspected as the source of the threat or having essential information shall be interviewed as part of the investigation. Historical information including related incidents and an assessment of the inmate's or witness's credibility shall be included in the investigation. The investigation may be based on both objective and subjective information in relation to the placement standard set forth in this section. Upon completion of the investigation, the investigator shall complete Section IV of CN 9901, Request for Protective Custody, and shall summarize the findings, cite the basis for the conclusions, and provide a recommendation of either: (1) alternatives to protective custody to include but not be limited to housing reassignment within the facility, counseling, mediation, program reassignment, request to transfer to another facility, or (2) placement in Protective Custody. Upon completion of Section IV of Form CN 9901, Request for Protective Custody the investigator shall notify the inmate of the recommendation by completing CN 9904, Protective Custody Placement/Removal Recommendation Notice.

- D. Unit Administrator. The investigation and supporting documentation shall be forwarded to the Unit Administrator. The Unit Administrator shall review the investigation and complete Section V of CN 9901, Request for Protective Custody. When a sentenced inmate is being recommended for Protective Custody the Unit Administrator shall forward CN 9901, along with any other appropriate material, to the Director of Offender Classification and Population Management, within seven (7) days of the date of initiation of the request for Protective Custody. The inmate shall receive a copy of CN 9905, Protective Custody Placement/Removal Unit Administrator Recommendation Notice. An unsentenced inmate shall be notified of the Unit Administrator's decision by receiving a copy of Section V of CN 9901, Request for Protective Custody.
- E. Director of Offender Classification and Population Management Decision. The Director of Offender Classification and Population Management shall review the investigation and recommendation for each sentenced inmate along with any documentation received. A determination of appropriate placement shall be made by completing Section VI of CN 9901, Request for Protective Custody. If the Director of Offender Classification and Population Management determines that Protective Custody or transfer to another facility is warranted the decision shall occur within 14 days of the initial request for placement on Administrative Detention. The inmate shall be notified of the final decision by receiving a copy of Section VI of CN 9901, Request for Protective Custody. An inmate shall be placed on Protective Custody solely upon the judgement and discretion of the Unit Administrator, Director of Offender Classification and Population Management or higher authority.

No inmate shall have any entitlement to or any legitimate expectation of being placed on Protective Custody or of remaining in that status once having been placed.

- F. Transfer to MacDougall-Walker Correctional Institution. Any

unsentenced inmate who has been placed on Protective Custody and is subsequently sentenced shall automatically be reviewed by the Director of Offender Classification and Population Management in order to determine whether Protective Custody Status is still warranted. The Unit Administrator shall ensure that in such cases all pertinent material is forwarded to the Director of Offender Classification and Population Management. The Director of Offender Classification and Population Management shall have authority to remove any inmate from Protective Custody upon transfer to MacDougall-Walker Correctional Institution in accordance with this policy.

10. Removal from Protective Custody. A release from Protective Custody may be authorized when the condition which required the inmate's placement in Protective Custody is no longer present, an alternative has been found, or at the request of the inmate.

- A. Voluntary Removal from Protective Custody. An inmate may request removal from Protective Custody whenever it is believed that the reason for placement no longer exists, or it may be resolved through an alternative option, or for any other legitimate reason. Upon request for removal, CN 9906, Request for Removal From Protective Custody, shall be completed stating the reason transfer out of Protective Custody status is requested. If, upon review, it is determined that the reason for placement no longer exists, the Unit Administrator shall sign the removal request. Only the Unit Administrator in consultation with the Director of Offender Classification and Population Management may authorize the removal of an inmate from Protective Custody. If an unsentenced inmate has been transferred to another correctional facility, the holding Unit Administrator, in consultation with the Director of Offender Classification and Population Management, may authorize removal.

- B. Involuntary Removal From Protective Custody. Prior to any involuntary reclassification of an inmate from Protective Custody to General Population status the following procedures shall be followed.

1. The inmate shall be given written notice, at least 48 hours in advance, by delivering a copy of CN 9903, Protective Custody Placement Review Notice, to the inmate. The notice shall contain a statement of the reason(s) that the inmate is being considered for involuntary removal or reclassification to general population.
2. The inmate shall have an opportunity to meet in a confidential, face-to-face setting which precludes the presence of other inmates and other staff except as is reasonably necessary for security purposes, with such staff specifically designated and authorized to make a recommendation as to whether or not the inmate will be so removed or reclassified. Such staff shall have experience in inmate classification procedures and principles. At this meeting, the inmate's central, medical and mental health files shall be made available to the inmate and to Department personnel if these file(s) contain information relevant to the proposed reclassification. Any portion of such files which contains information which would reasonably jeopardize the security of the institution, the medical or mental health care provided the inmate or the privacy of others may be redacted and not disclosed to the inmate. Written notice of the procedures shall be delivered to the inmate at least 48 hours prior to the scheduled meeting, in order to afford the inmate the opportunity to request production of the documents and if necessary to provide a translator at this face-to-face meeting.

3. The recommendation of the facility staff shall be forwarded to the Unit Administrator along with a copy of CN 9901. The inmate shall be notified of the facility staff recommendation by receiving a copy of CN 9904, Protective Custody Placement/Removal Recommendation Notice. The Unit

Administrator shall notify a Protective Custody inmate of the removal recommendation by providing the inmate with a copy of CN 9905, Protective Custody Placement/Removal Unit Administrator Recommendation Notice, and forward the recommendation, along with all pertinent material, to the Director of Offender Classification and Population Management. If the recommendation is to reclassify the inmate from Protective Custody to General Population status, then the inmate shall be given a written statement of the reason(s) for this recommendation within five (5) business days of the meeting.

4. The Director of Offender Classification and Population Management, or designee, shall review all material and make a final removal decision.
5. The Director of Offender Classification and Population Management shall notify the Unit Administrator and the inmate of the decision by providing each with a copy of CN 9906, Request for Removal From Protective Custody. If the recommendation is to reclassify the inmate from Protective Custody to General Population status, then the inmate may file a request for an administrative review within 72 hours of the receipt of CN 9906 and shall be afforded the opportunity to have a face-to-face meeting with the Director of Offender Classification and Population Management or designee. Upon conclusion of such meeting the Director of Offender Classification and Population Management or designee shall provide the inmate with a copy of the decision as to whether or not to continue the inmate's classification in protective custody status and the reason(s) therefor. The Commissioner may provide for further administrative review, modification or reversal by the decision maker's superior(s) if appropriate. Such action need not entail a face-to-face interview with the inmate.
6. For all unsentenced inmates the Unit Administrator shall review the recommendation and all pertinent material, and shall make a final removal decision. The Unit Administrator shall notify the inmate of the final decision by providing the inmate with a copy of CN 9906, Request for Removal From Protective Custody.
7. With the exception of involuntary removal from Protective Custody directly to General Population, the procedures for which are listed in Section 10(B)(1) through (6) above, the Director of Offender Classification and Population Management or higher authority reserve the authority to remove an inmate from Protective Custody for a legitimate penological purpose, to include, but not limited to, removing or reclassifying an inmate from Protective Custody as a result of disciplinary violations by the inmate or from transfer to Administrative Detention pending investigation of such violations.

11. General Conditions for Protective Custody. The following conditions shall normally apply to an inmate in Protective Custody. An individual inmate may be denied any specific conditions listed below or face restrictions as required to ensure order, control and/or protection. Any such restrictions shall be authorized by the Unit Administrator. A notation shall also be recorded in the Protective Custody unit log. Protective Custody inmates shall be kept separate from general

population inmates and activities or directly monitored by staff so as to minimize the risk to the protective custody inmate.

A. Normative Conditions. The following conditions for inmates assigned to each Protective Custody unit shall reasonably resemble the conditions provided general population inmates assigned to the facility:

1. Housing to include square footage, double ceiling, furnishings, ventilation, lighting, heating and sanitation;
2. Clothing;
3. Personal hygiene to include hair care;
4. Food;
5. Linen and laundry;
6. Access to Court;
7. Mail;
8. Telephone;
9. Visits;
10. Commissary;
11. Day room access;
12. Health care;
13. Personal property;
14. Recreation; and,
15. Congregate and individual religious worship.

B. Specific Conditions. The following activities may vary from general population conditions as noted below.

1. Each inmate assigned to a Protective Custody unit at the Cheshire or York Correctional Institutions shall be assigned to programs consistent with assessed needs in accordance with Administrative Directive 9.2, Inmate Classification. Available programs shall include, but not be limited to education, vocational training, work, counseling, and addiction services.
2. Library services shall be provided at each Protective Custody unit by allowing access to specific and available library materials, a library cart and/or direct access to the institutional library at least three times per week.

12. Protective Custody Review.

A. Periodic Assessment. The Unit Administrator or designee shall ensure that, at a minimum, the status of each inmate in Protective Custody is reviewed every 30 days.

B. Mental Health Review. When an inmate remains on Protective Custody beyond 30 days, a mental health professional shall conduct a personal interview with the inmate and prepare a written report for the Unit Administrator with a copy to be placed in the inmate's medical file. If confinement continues, a mental health assessment shall be made every three (3) months.

C. Staff Tours. Each Protective Custody housing area shall be toured by a unit manager or custody supervisor twice each shift, a member of the health services staff daily, and a counselor daily. All tours shall be for the purpose of insuring compliance with this Directive, responding to staff and inmate concerns, and providing services as appropriate. Such activities shall be recorded in the unit log. Requests to see other staff shall be made in writing by the inmate.

D. Unit Administrator Inspection. An inspection of each Protective Custody unit shall be conducted at least once a week by the Unit Administrator and recorded in the unit log.

13. Exceptions. Any exceptions to the procedures in this Administrative Directive requires prior written approval from the Commissioner.